

State of California
Regional Water Quality Control Board
North Coast Region

MINUTES OF MEETING
February 24, 2000
Eureka City Council Chambers
531 K Street
Eureka, California

The February 24, 2000 meeting of the California Regional Water Quality Control Board, North Coast Region was called to order at 9:00 a.m. by Vice Chair Bill Hoy. Lee Michlin led the Pledge of Allegiance.

Introductions

Vice Chair Hoy introduced the Board members present, Executive Officer Lee Michlin, and Legal Counsel Phil Wyels.

Board Members Present

Daniel Crowley, Leslie Dahlhoff, Jim Mitchell, Beverly Wasson, and Bill Hoy. Mr. Hoy congratulated Bev Wasson on her recent Senate confirmation.

Staff Present

Lee Michlin, Craig Johnson, Bob Tancreto, Frank Reichmuth, Susan Warner, John Hannum, Bob Klamt, Tuck Vath, Dave Evans, Ranjit Gill, Terry Dean, Fred Blatt, Janet Blake, Lisa Jenkins, Rick Azevedo, Bill Winchester, Jean Lockett, Jean Spath, and Phil Wyels

Election of Officers

Jim Mitchell moved that Bill Hoy be named Board Chair and Bev Wasson be named as Vice-Chair for 2000. Dan Crowley seconded the motion and it carried by a unanimous voice vote.

Minutes of Meeting

Bev Wasson moved adoption of the January 27, 2000 minutes as presented. Jim Mitchell seconded the motion and it carried by a unanimous voice vote.

Executive Officer Lee Michlin introduced new staff member Christopher Murray who was present at the Board meeting.

Public Forum

Oral testimony was presented by Anthony Antoville, Anne Antoville, Sterling McWhorter, Margie Nulsen, Erika Upton, Rex Rathbun, Anthony Ambrose, Christina Ambrose, Ellen Taylor, Cynthia Elkins, Teresa Lucchesi, Jan Kraepalien, and Wendy Ring.

Consent Calendar

- 1. City of Rio Dell, Humboldt County, Renewal of Waste Discharge Requirements, NPDES Permit No. CA 0022748, WDID No. 1B83134OHUM**
- 2. Covelo Community Services District, Mendocino County, Renewal of Waste Discharge Requirements, NPDES Permit No. CA 0023574, WDID No. 1B83009OMEN**
- 3. State of California, Department of Fish and Game and Pacific Power and Light Company, Iron Gate Hatchery, Siskiyou County, Renewal of Waste Discharge Requirements, NPDES Permit No. CA0006688, WDID No. 1A80052OSIS**
- 4. State of California, Department of Fish and Game and the United States Bureau of Reclamation, Trinity River Salmon and Steelhead Hatchery, Trinity County, Renewal of Waste Discharge Requirements, NPDES Permit No. CA 0006696, WDID No. 1A80077OTRI**

Bev Wasson moved adoption of the Consent Calendar with the revisions and additions as noted. Jim Mitchell seconded the motion and it carried by a unanimous voice vote.

- 5. PUBLIC HEARING** to consider Recision of Cease and Desist Order No. 94-133 and Renewal of Waste Discharge Requirements, for Redway Community Services District, NPDES Permit No. CA 0022781, WDID No. 1B83147OHUM

Chairman Hoy opened the public hearing, read the hearing procedure, and swore in those presenting testimony.

Terry Dean stated Cease and Desist Order No. 94-133 was issued to the District on December 8, 1994 as a result of a seep in the hillside below the treatment facility. When the flow rate was excessive during the winter, spring, and early summer, it would cause discharge to the Eel River that was bacterially contaminated. Order No. 94-133 contained a construction schedule to rebuild the treatment plant and initiate a monitoring program to determine the effects of the seepage below the treatment plant. The District has completed improvements to the treatment plant and the seepage has subsided with no direct runoff to the Eel River. Mr. Dean read the proposed change on Page 2 of the Monitoring and Reporting Program Order to toxicity monitoring twice each year. The toxicity monitoring will be conducted once in the fall when the discharge to the South Fork Eel River commences and once in the spring before discharge to the South Fork Eel River ceases. John Hannum responded to Board member Dahlhoff's question.

Ms. Virginia Graziani, Chair of the Board, Redway Community Services District, discussed the land that was donated for the new facility. She stated a 70% grant and 30% loan package was secured to help finance the rebuilding of the plant. She addressed concerns regarding two pending timber harvest plans in the area and the need for a water quality office in the Eureka area.

Bev Wasson moved adoption of Order No. R1=2000-##, rescinding Cease and Desist Order No. 94-133 as proposed and adoption of Waste Discharge Requirements, Order No. R1-2000-## as proposed with monitoring modifications. Leslie Dahlhoff seconded the motion and it carried by a unanimous voice vote.

6. EXECUTIVE OFFICER'S REPORT

c. Historical Summary of TMDL Projects

Dave Evans stated TMDL work in the North Coast Region began in 1996 with work on the Garcia River TMDL concluding with its adoption in May 1998. Staff continues to work with stakeholders to resolve matters related to the adoption of a Garcia River Implementation Plan. Earlier TMDL work was performed for Stemple Creek and the Laguna de Santa Rosa. Staff workshops for the Redwood Creek TMDL were started in June 1998. Revisions were made to the working documents as a result of the January 1999 workshop but the document and implementation plan have not been adopted by the Board. U. S. EPA adopted its own "Technical TMDLs" for both the Garcia River and Redwood Creek. EPA completed the technical TMDL for the South Fork Trinity River in 1998; the Noyo River in August 1999; and the South Fork Eel River and Van Duzen River in December 1999. Regional Water Board staff is working to develop a three-tiered approach for a region-wide Basin Plan Amendment for the control of sediment discharges. The Garcia River TMDL will come before the Board for re-affirmation in May 2000 and the Redwood Creek TMDL will be heard in August 2000. Dave Evans responded to questions from the Board.

a. Update on Proposed Forest Practice Rules by the Board of Forestry

Frank Reichmuth distributed and referenced his February 8, 2000 report entitled, "Salmonid Guidelines for Forestry Practices in California". He stated the proposed Forest Practice Rules contain many of the rule changes originally submitted to the Board of Forestry by the Resources Agency and Cal EPA for protection of listed salmonid species. He said the proposed rules contain no prescriptive standards for 303(d)-listed waters and inadequate standards for assessment of potential impacts and recovery of impaired beneficial uses. The proposed rule package was changed and now requires the proponent of a timber operation to give consideration to the cumulative effect of a proposed timber operation on 303(d)-listed waters. It authorizes the California Department of Forestry to initiate or participate in a watershed assessment and analysis and, where needed, recommend watershed-specific rules to the Board of Forestry to address 303(d) listed waters. The proposed rules are inadequate to fulfill Regional Water Board needs for addressing impacts from timber operations in

303(d)-listed waterbodies because they will not fulfill our responsibility under the Clean Water Act to recover the impaired beneficial uses under Section 303(d).

Mr. Richard Gienger, Humboldt Watershed Council, addressed his comments to Water Course and Lake Protection Zone activities. He responded to questions from Board members Wasson, Dahlhoff, and Mitchell.

Chair Hoy stated the Board would discuss ongoing litigation in the case of the People of the State of California, California Department of Fish and Game, Department of Toxic Substance Control and the California Regional Water Quality Control Board North Coast Region vs. North Coast Railroad Authority dba Northwestern Pacific Railroad during a closed session during the lunch break.

b. Update on Timber Harvesting Activities in Freshwater Creek and Elk River Watersheds

Dr. Ranjit Gill used graphic slides to illustrate his presentation on Freshwater Creek and Elk River watersheds. He provided a status report on the provisions outlined in the Headwaters Agreement that was implemented on March 1, 1999. The Habitat Conservation Plan for PALCO lands requires the development of twenty-two Watershed Assessments within its holdings over a five-year period. He discussed the individual components of the watershed analysis and the Regional Water Board staff's role in the cumulative impact analysis and monitoring objectives. Timber harvest plans approved prior to July 1999 were reviewed in the Freshwater Creek, Elk River, Bear Creek, Stitz Creek and Jordan Creek watersheds. Dr. Gill stated his staff is working with timberland owners to jointly monitor ground application of herbicides and met with local residents on February 23. He responded to questions from Board members Crowley and Dahlhoff.

Jim Falls, Senior Engineering Geologist, Department of Conservation, Division of Mines and Geology; Jeffrey Barrett, Director of Fish and Wildlife Programs, Pacific Lumber Company; Richard Gienger, Humboldt Watershed Council; Sue O'Connell, Eureka resident; Kristi Wrigley, Humboldt Watershed Council and Eureka resident; and Ralph Kraus, Eureka resident presented oral testimony. Residents in the watershed invited the Regional Water Board members to participate in a field trip of their area.

d. Update on Cleanup on Union Pacific Waterfront (Balloon Tract)

Lisa Jenkins used an overhead slide to illustrate Union Pacific Railroad Company's 30-acre site in downtown Eureka which was a former rail car fueling and repairing facility for over 100 years. Numerous phases of investigation have been conducted since 1989 for widespread petroleum, metals, and volatile organic compound releases. A Health Risk Assessment was conducted and evaluated by the Office of Environmental Health Hazard Assessment and concluded that there was no significant health risk posed by the current conditions. Additional soil and groundwater sampling has been conducted and a combined

feasibility study will evaluate potential cleanup alternatives for the site. U. S. EPA has provided additional funding for supplemental surface water sampling and the field work should be completed by May 2000.

j. Update on Cleanup and Abatement Order No. 99-77 Shasta-Trinity National Forest, Hayfork Ranger District, Dark Canyon Creek Culvert Replacement

Bill Winchester discussed the November 22, 1999 complaint regarding the potential uncontrolled discharge of sediment to Dark Canyon Creek when a culvert replacement project on Wild Mad Road in Trinity County was in progress. The purpose of the project is to provide better passage for steelhead by replacing an existing undersized culvert to ensure the associated fill would not fail and cause downstream sedimentation. The project was started in July 1999 and the U.S. Forest Service (USFS) did not meet their summer's end completion date. Mr. Winchester showed 17 slides to illustrate inadequate implementation of erosion control measures which allowed the discharge of sediment from the project area into Dark Canyon Creek. Dark Canyon Creek is a tributary to the Trinity River, a watershed listed as Clean Water Act 303(d) impaired for sediment. On December 22, 1999, Cleanup and Abatement Order No. 99-77 was issued to the U SFS. The Order specifies that the USFS submit a workplan to detail short-and long-term activities including a site inspection schedule and water quality-monitoring plan. He referenced a February 18, 2000 letter addressed to Forest Supervisor Sharon Heywood from William Huber, Coordinator of the South Fork Trinity River Coordinated Resource Management Planning Association. Mr. Winchester responded to questions from the Board.

Forest Supervisor Sharon Heywood, Shasta-Trinity National Forest, presented six photos that illustrated cleanup progress at the site. She stated the cleanup project has been given emergency priority and Phase I has been completed and Phase II is 90% complete. She stated the USFS is committed to land restoration and will comply with the Order.

Forest Engineer Dave Tracy, Shasta-Trinity National Forest, stated he is overseeing the restoration work at the site.

Joseph Bower, Citizens for Better Forestry, read his February 24, 2000 letter into the record.

In response to Chairman Hoy's inquiry, Executive Officer Lee Michlin discussed measures that could be implemented if water quality protections are not fully met. Discussion followed between the Board members and Lee Michlin. Mr. Michlin said he would invite the Forest Supervisors from Shasta-Trinity, Six Rivers, Mendocino, and Klamath National Forests to be present at the June 22, 2000 Yreka meeting and make a joint presentation on USFS/NCRWQCB cooperation to protect water quality and beneficial uses. A resolution to rescind the Management Agency Agreement between USFS and the State Water Resources Control Board will be noticed for the June 22 meeting.

7. Request by the Humboldt Watershed Council and Richard Gienger to Discuss Erosional Problems in the Van Duzen River and Main-stem Eel River, Cumulative Watershed Effects and the Role of the Regional Water Board

Frank Reichmuth introduced Jesse Noel, McKinleyville resident representing Salmon Forever to begin the presentation. Additional oral testimony was presented by Sal Steinberg, Carlotta resident; Richard Gienger, Whitethorn resident representing Humboldt Watershed Council; Ken Miller, McKinleyville resident representing Salmon Forever; Stephanie Bennett, Eureka resident; Alan Cook, Eureka resident; Jeffrey Barrett, Director of Fish and Wildlife Programs, Pacific Lumber Company; and John McKeon, Eureka resident representing the Humboldt Watershed Council. Materials used in the individual presentations included slides, maps, graphs, photos, and a three-minute video. Jesse Noel responded to Board member Dahlhoff's question.

Chairman Bill Hoy adjourned the regular meeting at 4:15 p.m. when Board member Dan Crowley left the meeting. He announced the remaining items would be discussed in a workshop session.

EXECUTIVE OFFICER'S REPORT (Continued)

f. Water Board Bond AB 1584; the State Drinking Water, Clean Water, Watershed Protection, and Flood Protection Act

Craig Johnson outlined the contents of the March 7, 2000, \$1.97 billion Water Bond initiative. Included in the initiative are safe drinking water facilities, flood control measures, Bay-Delta restoration, watershed protection, and miscellaneous water quality and water supply issues.

h. Fiscal Year 2001 Governor's Budget

Craig Johnson discussed the Budget Change Proposals for Fiscal Year 2000-01 and possible Region One augmentations to the budget. The Regional Water Board has approximately 92 full-time filled positions. Meeting workload commitments and integrating new staff continues to take time and effort; however, no long-term problems are anticipated. Office alternations are scheduled to begin this summer with the completion date expected in early 2001.

i. Clean Water Action Plan Priority Watersheds

Janet Blake explained President Clinton's Clean Water Action Plan of February 1998. She described the four categories for water restoration activities as listed under the Unified Watershed Assessment. An updated February 2000 assessment documented that Region

One has thirteen impaired priority watersheds and eight impaired non-priority watersheds in Category I. She stated the North Coast Region has requested that the Mattole and Salmon Rivers be upgraded from Category I non-priority to Category I priority watersheds. A series of workshops are scheduled from March 15-20 in the North Coast Region to focus on implementation activities that achieve measurable water quality improvements. Local groups and the public have an opportunity to lead and participate in the Watershed Restoration Action Strategies.

g. Water Quality Coordinating Committee Background and Interest Items

Lee Michlin reported the Water Quality Coordinating Committee meeting will be held on April 7 and 8 in San Diego. An agenda for the meeting will be developed as part of the upcoming Regional Water Board Chairs meeting in Sacramento on February 29. One important agenda discussion item will be consistency of Board actions throughout the nine Regional Water Boards.

8. Executive Officer Administrative Civil Liabilities

Lee Michlin reported he issued a \$10,000 administrative civil liability complaint on February 18, 2000 to Kistler Vineyards in Sonoma County. The action was taken when best management practices were not implemented before the rainy season and falsification of their monthly monitoring report. Another administrative civil liability action for licensed timber operator, Roy Hauser, is pending. He violated the Basin Plan by allowing sediment to enter salmon streams and then left the State.

9. Violation and Enforcement Report

Craig Johnson stated the report would stand as presented in the agenda. No discussion was necessary.

Lee Michlin reminded the Board members to view the Region One webpage @ <http://www.swrcb.ca.gov>. The March Board meeting will begin at noon on March 22 with a tour of the Santa Rosa wastewater reclamation system and bus trip following the Geysers pipeline route. A regular meeting is scheduled for Thursday, March 23. Chairman Hoy adjourned the workshop at 4:55 p.m.

Executive Assistant Jean Spath recorded the minutes of the February 24, 2000 meeting of the North Coast Regional Water Quality Control Board, approved by the Board at its next meeting.

Approved by: _____, Chairman

